

REMARKS

Status of the Application

Claims 2-30, 33-61, and 64-99 are all the claims that have been examined in the pending application.

The following claims have been withdrawn from consideration: 3, 5, 10-12, 16-20, 23, 25-26, 34, 36, 41-43, 47-51, 54, 56-57, 65, 67, 72-74, 78-82, 85, 87, and 88.

Preliminary Matters

Applicant thanks the Examiner for withdrawing the rejection of the pending claims over Roy et al. (EP 1139269).

§102(e) Rejections

1. *Claims 2, 4, 6-9, 13-15, 21-22, 24, 27-29, 33, 35, 37-40, 44-46, 52-53, 55, 58-60, 64, 66, 68-71, 75-77, 83-84, 86, 89-91, 93, 95-96 and 99 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Roy et al. (U.S. 6,959,569, hereafter "Roy").*

When a prior U.S. patent application publication is not a statutory bar, a 35 U.S.C. 102(b) rejection can be overcome by antedating the filing date of the reference by submitting an affidavit or declaration under 37 CFR 1.131 (MPEP §706.02(b)(D) and §2136.03). By perfecting claim to priority, the date of invention becomes the filing date (April 3, 2000) of the foreign Applicant's priority document, JP 2000-105399. Roy's prior art date under 35 U.S.C. § 102(e) is its U.S. filing date of March 30, 2000.

Submitted with this amendment is an English translation of Applicant's priority document, JP 2000-105399 and a signed statement attesting to the accuracy of said translation. Applicants hereby perfect claim to priority and wish to rely on said perfection with respect to the

applied prior art of *Roy*. By perfecting claim to priority, Applicant's date of invention becomes April 3, 2000, just four days after *Roy*'s prior art date under 35 U.S.C. § 102(e).

In addition a Declaration under 37 C.F.R. §1.131 is attached. The inventors, declare that the invention of the subject application was conceived before March 30, 2000 as evidenced by the attached (1) Specification drafted by the Inventor [Exhibit 1], (2) Notification to NEC of employee's invention [Exhibit 2], and (3) Request for Patent Application (Request for another Japanese law firm to prepare Japanese Application for the invention based on (1)). Further with due diligence the invention was constructively reduced to practice on April 3, 2000 by filing Japanese Patent Application No. JP 2001-105399, from which the subject application claims foreign priority.

Due diligence from just before March 30, 2000 to filing of the priority document on April 3, 2000 is evidenced by (4) File History (which contains approval from inventor to file the prepared specification on March 30, 2000) [Exhibit 4], which was finalized and filed on April 3, 2000 as the priority document (JP 2000-105399) of the subject application. By the attached declaration and evidence, the inventors swear to a date of invention prior to March 30, 2000. Therein, *Roy* is removed as a prior art reference under 35 U.S.C. § 102(e) and claims 2, 4, 6-9, 13-15, 21-22, 24, 27-29, 33, 35, 37-40, 44-46, 52-53, 55, 58-60, 64, 66, 68-71, 75-77, 83-84, 86, 89-91, 93, 95-96 and 99 are patentable over the applied art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

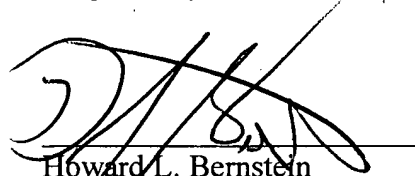
Response under 37 C.F.R. § 1.111
U.S. Application No. 09/823,763

Attorney Docket No. Q63913

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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